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Patent 7-16-02
Attorney's Docket No. 040070-244 (NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Kjell GUSTAFFSON et al.) Group Art Unit: 2682
Application No.: 09/348,494) Examiner: N. Ly
Filed: July 7, 1999) Confirmation No.: Unknown
For: CONTROLLED ANTENNA)
DIVERSITY)

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JUL 15 2002

Technology Center 2600

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the final Office Action dated May 8, 2002, Applicants respectfully request reconsideration of the above-captioned application. Claims 3-5 and 14-16 have been indicated as allowed, and Applicants maintain that claims 1, 2, 6-13 and 17-19 are also in allowable form.

In the final Office Action, the Office repeats the rejection of claims 1, 2, 6-13 and 17-19 under 35 U.S.C. §103 as allegedly being unpatentable over Applicants description of prior art as shown in Figure 3 of the present specification in view of the *Conner et al.* patent (U.S. Patent 6,256,484). In continuing the rejection, the Office states at page 2 of the Office Action that because "the opening and closing states of the frequency processing circuit 18a is determined based on the quality of the received signal, the frequency processing circuit 18a must be based on a determination as to whether diversity is appropriate." Applicants respectfully submit that element 18a cannot be accurately

described as a frequency processing circuit. As described throughout the *Conner et al.* patent, 18 is described as a "first antenna" (see, e.g., column 3, line 25) and element 18a is not described in the *Conner et al.* specification, but is illustrated as being identical to the first antenna 18 in Figure 2. Antennas receive radio signals, but they do not involve processing and therefore cannot be described as "frequency processing circuits." For this reason alone, the rejection should be withdrawn. This is not merely a matter of semantics, as illustrated below.

The *Conner et al.* patent states that the motivation for its device, as pointed out by the Examiner and mentioned at column 2, lines 43-49, lies in a space diversity receiver system which is "relatively inexpensive and simple in construction". Taking this motivation and the specific teaching of using one RF FM receiver 13 with two antennas 18 and 20, the only modification the *Conner et al.* patent would suggest to prior art Figure 3 of the present application is a modification which would result in something more akin to prior art Figure 2 where there are two antenna and one RF processor. The modification as hypothetically proposed by the Office would be that one antenna, (e.g. antenna 210 of Figure 2) would be permanently connected to the RF processing circuit 230, where as the second antenna 221 would be selectively connected to the same RF processing circuit 230. While the undersigned is not certain that such a hypothetical modification would be possible for the "selection" diversity used in Figure 2, Applicants note that the hypothetical combination ultimately results only in the circuit shown in the *Conner et al.* patent. What the hypothetical combination does not show, teach or suggest is the present invention which provides a control signal to a second radio frequency processing circuit to selectively

activate and deactivate the second radio frequency processing circuit based on a determination as to whether diversity is appropriate. The present inventors have gone a way completely contrary to the teaching of the *Conner et al.* patent so far as the present invention involves a second radio frequency processing circuit, which relative to the *Conner et al.* patent would appear to only make it relatively expensive and complicated in construction, rather than achieving the *Conner et al.* goal of making a base diversity receiver system which is "relatively inexpensive and simple in construction."

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the final rejection so that all the claims may pass to issuance.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:


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Date: July 12, 2002



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AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- [] A Petition for Extension of Time is also enclosed.
- [] A Terminal Disclaimer and a check for [] \$55.00 (248) [] \$110.00 (148) to cover the requisite Government fee are also enclosed.
- [] Also enclosed is _____.
- [] Small entity status is hereby claimed.
- [] Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the [] \$370.00 (279) [] \$740.00 (179) fee due under 37 C.F.R. § 1.17(e).
- [] Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- [] Applicant(s) request suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- [] A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- [X] No additional claim fee is required.
- [] An additional claim fee is required, and is calculated as shown below:

A M E N D E D C L A I M S					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	20	MINUS 20 =	0	× \$18.00 (103) =	0
Independent Claims	7	MINUS 7 =	0	× \$84.00 (102) =	0
If Amendment adds multiple dependent claims, add \$280.00 (104)					0
Total Amendment Fee					0
If small entity status is claimed, subtract 50% of Total Amendment Fee					0
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					0

[] A claim fee in the amount of \$_____ is enclosed.

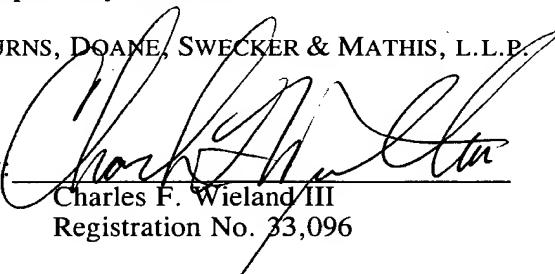
[] Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:


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